

HOUSE No. 3416

By Mr. Patrick of Falmouth, petition of Robert A. O’Leary and Matthew C. Patrick relative to the disposition of certain conservation/recreation lands under the care, custody and control of the Department of Environmental Management within the town of Mashpee. Bonding, Capital Expenditures and State Assets.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN CONSERVATION/
RECREATION LANDS UNDER THE CARE, CUSTODY AND CONTROL OF THE
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WITHIN THE TOWN OF
MASHPEE.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The commissioner of the division of capital asset
2 management, on behalf of and in consultation with the commis-
3 sioner of the department of environmental management, is hereby
4 authorized, notwithstanding the provisions of sections 40F
5 through 40I, inclusive, of chapter 7 of the General Laws, to
6 convey title to a certain parcel of land and any improvement(s)
7 located thereon, currently under control of and used by the depart-
8 ment of environmental management for conservation and recre-
9 ational purposes for the South Cape Beach, in the town of
10 Mashpee, to the Town of Mashpee, for purposes of satisfying
11 section 17 of an Agreement between the town of Mashpee and the
12 Department of Environmental Management dated June 29, 1981
13 and the Acts of 1982, Chapter 287, section 2, said parcel to be uti-
14 lized solely for conservation/recreation purposes, passive recre-
15 ation purposes only, with shoreline access limited to
16 non-motorized boats and canoes, and open to the general public
17 without restriction or discrimination, provided further that vehic-
18 ular access shall be across lands of the department of environ-
19 mental management utilizing Willis Work Road, so-called, an
20 unimproved woods road, during the normal operating hours for

21 South Cape Beach State Park, excepting any additional access
22 provisions as may be agreed to between the town of Mashpee and
23 the department of environmental management in a negotiated
24 Memorandum of Agreement. The commissioner of the division of
25 capital asset management may add such additional terms and con-
26 ditions consistent with this act as the commissioner may prescribe
27 in consultation with the department of environmental manage-
28 ment. Said parcel of land contains 10 acres of land and is all of a
29 parcel of land depicted as “Parcel A” and shown on a plan of land
30 entitled “Map of Land in Mashpee, Massachusetts Showing
31 Parcels to Be Conveyed by the Commonwealth of Massachusetts
32 to the Town of Mashpee, by Caputo and Wick, LTD., May
33 1989,” on file with the department of environmental management.
34 Modifications to the plan described above may be made before
35 conveyance to carry out the purposes of this act.

1 SECTION 2. No deed conveying, by or on behalf of the com-
2 monwealth, the title to the property described in section 1 shall be
3 valid unless such deed provides that said property shall be used
4 solely for the purposes described in section 1. The deed shall
5 include a reversionary clause that stipulates that the property will
6 revert back to the commonwealth and assigned to the care, cus-
7 tody and control of the department of environmental management
8 if the property ceases to be utilized for the express purposes for
9 which it was conveyed.

1 SECTION 3. The grantees of said property shall assume the
2 cost of any surveys, title certifications and other expenses deemed
3 necessary by the commissioner of the division of capital planning
4 and operations for the granting of title.

1 SECTION 4. This transfer shall be for no compensation in sat-
2 isfaction of the 1981 agreement between the town of Mashpee and
3 the department of environmental management and as set forth in
4 the Acts of 1982, Chapter 287, section 2.

1 SECTION 5. The commissioner of the division of capital asset
2 management shall 30 days before the execution of any agreement
3 authorized by this act, or any subsequent amendment thereof,

4 submit the agreement or amendment and a report thereon to the
5 inspector general for his review and comment. The inspector
6 general shall issue his review and comment within 15 days of
7 receipt of any agreement or amendment. The commissioner of the
8 division of capital asset management shall submit the agreement
9 and any subsequent amendments thereof, the reports and the com-
10 ments of the inspector general, if any, to the house and senate
11 committees on ways and means and the chairmen of the joint
12 committee on state administration at least 15 days prior to the
13 execution.